

Serial No.: 10/672,337

Attorney Docket No.: 2003P08216US

**REMARKS**

Upon entry of the instant Amendment, Claims 1-6, 8-9, and 11-20 are pending. Claims 1, 8, and 15 have been amended to more particularly point out Applicants' invention.

Claims 1-6, 8-9 and 11-20 were rejected under 35 U.S.C. §103 as being unpatentable over Murray, U.S. Patent No. 6,484,033 ("Murray") in view of Preston et al., U.S. Patent No. 6,144,336 ("Preston"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Murray or Preston, either singly or in combination.

As discussed in the Specification, a telecommunications system according to an embodiment of the present invention includes a plurality of network clients including a positioning controller and a communications controller; and a positioning server including a coordinating controller for maintaining a database of network clients to be tracked and provide updates of position-related information to a presence server. The plurality of network clients are configured to transmit position information received via the positioning controller to the positioning server via the communications controller, the positioning information including information related to loss of a position signal. In certain embodiments, presence-position correlation rules accommodate the loss of signal. Thus, in certain embodiments, the system assigns a location to the device responsive to such a loss, based on prior position signal information.

Thus, claim 1 has been amended to recite "said positioning information including information related to loss of a position signal and wherein a location based on a prior location derived from the position signal is assigned responsive to said loss of a position signal;" claim 8 wherein said position-presence correlation rules include loss of a GPS signal and a rule to define a location based on previous position signals if said GPS signal is lost;" claim 15 has been amended to recite "wherein said one or more positioning and presence correlation rules include loss of a positioning signal and a rule to define a location based on previous position signals if said positioning signal is lost."

As discussed in response to the previous Official Action, Murray merely relates to a pager system that has a calendar service, rather than a service that define

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availability on a plurality of particular devices using location and presence rules relating to a loss of signal as generally recited in the claims at issue. In Murray, another user is telephoned if a device is determined not to be able to return to an available conference site in time for the conference. However, the user in Murray is not able to set presence and availability correlations associated with a plurality of the user's devices, or rules relating to a loss of signal as generally recited in the claims at issue. If he is not able to make it back, then he is not available at all; other users are not able to contact him. In contrast, in embodiments of the present invention, users are able to make use of the presence and location correlation rules to determine where he is available, even when a loss of signal condition occurs.

As acknowledged the Official Action, Murray fails to disclose "positioning information including information related to loss of a position signal." Preston, instead, is relied on for such teaching. However, as discussed in Response to the previous Official Action, Preston provides a digital altimeter to cope with a loss of signal. That is, in the event that the GPS or GLONASS system experiences loss of signal, a built in digital altimeter can provide position information. Thus, for example, at Paragraph 26, line 53, Preston states that it provides "a digital altimeter 1053 to update altitude in the event of signal loss" and, at lines 65-67, that "[t]his system employs the digital altimeter's ability to accurately update a users location during periods of signal loss."

However, this does not relate to providing presence location correlation rules in the event of loss of GPS signal based on previous GPS signals. Moreover, it does not relate to assigning a location if a signal is lost based on the previous signal. Instead, in Preston, position is updated using the altimeter, not the GPS signal (presumably because the signal is lost); neither reference contains a hint that is desirable or even possible to provide a presence-location correlation rule or new location when a GPS signal is lost based on previous signals.

Further, Applicants note that the Court of Appeals for the Federal Circuit has indicated that "in order to render an invention unpatentable for obviousness, the prior art must enable a person of ordinary skill to make and use the invention." In re Kumar, No. 04-1074 (Fed. Cir., August 15, 2005). Since neither reference even remotely

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provides for a presence-location correlation rule or new location when a GPS signal is lost based on previous signals, as generally recited in the claims at issue, Applicants respectfully submit that the references do not, either singularly or in combination, enable the making and using of the claimed invention.

As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Various claims of the present application have been rejected for Double Patenting in light of the claims of Application No. 10/672,367, 10/672,899, and 10/676,621. In light of the Response to Arguments section and Paragraph 4 of the Official Action, Applicants respectfully submit that the Official Action is unclear as to whether the "Double Patenting" rejection is intended as a "Same-invention" double patenting rejection of an "obviousness-type" double patenting rejection. Clarification is requested: While the language of the rejection is in "same invention" terminology, the Response to Arguments section, which asserts that the claims are "obvious variations," seems to indicate the rejection is for obviousness type. For a same invention double patenting rejection, the claims cannot be "obvious variations" as asserted in the Official Action; in such a case, they are ipso facto not the same and thus, by definition, "a clear line of demarcation" is maintained. However, if intended as an obviousness type rejection, Applicants may consider filing terminal disclaimers in the appropriate cases when allowable subject matter is indicated.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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SIEMENS CORPORATION  
Customer Number: 28524  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, New Jersey 08830  
ATTENTION: Elsa Keller, IP Department  
Telephone: (732) 321-3026

Respectfully submitted,

By: David D. Chung  
David D. Chung  
Registration No. 38,409  
Attorney for Applicants  
Tel: 650-694-5339  
Fax: 650-968-4517